

AARON D. FORD
Attorney General
PETER E. DUNKLEY, Bar No. 11110
Deputy Attorney General
State of Nevada
Public Safety Division
100 N. Carson Street
Carson City, Nevada 89701-4717
Tel: (775) 684-1259
E-mail: pdunkley@ag.nv.gov

*Attorneys for Defendants
Paul Valdez and Harold Wickham*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CARY J. PICKETT,

Plaintiff,

v.

VALDEZ, *et al.*,

Defendants.

Case No. 3:17-cv-00567-MMD-WGC

**MOTION FOR EXTENSION OF TIME
TO FILE DISPOSITIVE MOTIONS
(SECOND REQUEST)**

Defendant, Paul Valdez and Harold Wickham, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney General, hereby files this Motion for Extension of Time to file dispositive motions.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Defendants respectfully request, and upon information, with Plaintiff's approval, a thirty (30) day extension of time from the current deadline of June 9, 2020, to file dispositive motions.

Pursuant to the Court's Order of January 17, 2020 (ECF No. 76), the only remaining open discovery was limited to Willis and Cameron closed on March 3, 2020¹,

¹ Discovery should remain closed with respect to Mr. Willis as Defendants are unaware of any further efforts to obtain information from Mr. Willis. However, Defendants will not object to plaintiff's further efforts with respect to Mr. Cameron (without waiving objections), who, upon information, is still waiting for the Court's approval of the proposed procedure in the event Mr. Cameron elects to respond, under penalty of perjury, to the 8 questions submitted by Mr. Pickett. (*See* ECF No. 78.)

dispositive motions were due April 10, 2020, and the Joint Pretrial Order was due May 8, 2020. (ECF No. 76.) In light of the outstanding discovery issue regarding Mr. Cameron, and administrative complications at the Office of the Attorney General, related to COVID-19, Defendants requested, and the Court granted a 60 day extension, to permit Plaintiff with time to obtain answers to 8 questions. (ECF No. 80.) Upon information, Plaintiff is waiting for an order from the Court which can be presented to the authorities supervising Mr. Cameron's parole, which would permit Mr. Cameron to respond to Mr. Pickett's questions without violating the terms of Mr. Cameron's parole. *See* ECF No. 78 (proposing procedure to obtain responses).

II. DISCUSSION

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants assert that the requisite good cause is present to warrant the requested extension of time. Defendants make the instant request in light of the ongoing issues related to COVID-19 including Nevada Governor Sisolak's March 31, 2020 Declaration of Emergency (Directive 010) – 'Stay at Home Order' and the Governor's April 1, 2020 "Stay at Home" directive. In response, the Office of the Attorney General ("OAG") has directed all AOG employees to comply with the Governor's orders, limit in-office work and to stay at home effective immediately while and until the OAG transitions to alternate, home-based working arrangements. In light of the directives, and due to the difficulties the instant circumstances place on obtaining the necessary supporting documents, declarations and affidavits, Defendants respectfully request that the Court extend the deadline by thirty (30) days, until **July 9, 2020**. Defendants' request will not hinder or prejudice Plaintiff's case. The requested thirty-day extension of time should permit the

1 Plaintiff time to obtain an order from the Court for the benefit of Mr. Cameron, to confirm
2 Mr. Cameron's participation, if any, and then prepare dispositive motions.

3 For these reasons, Defendants respectfully requests a thirty (30) day extension to
4 the deadline to submit dispositive motions.

5 **Proposed Schedule for Remaining Deadlines**

6 Current Dispositive Motion Deadline June 9, 2020

7 Current Joint Pretrial Order July 7, 2020

8 Proposed Dispositive Motion Deadline July 9, 2020

9 Proposed Joint Pretrial Order August 10, 2020

10 DATED this 8th day of June 2020.

11 AARON D. FORD
12 Attorney General

13 By: /s/ Peter E. Dunkley
14 PETER E. DUNKLEY, Bar No. 11110
15 Deputy Attorney General
16 *Attorneys for Defendants*

17
18 **IT IS SO ORDERED:**

19 **IT IS FURTHER ORDERED that no further extensions will be granted.**

20
21 
22 **UNITED STATES MAGISTRATE JUDGE**

23 **DATED:** June 9, 2020
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 8th day of June, 2020, I caused to be deposited for mailing a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS (Second Request)**, to the following:

Cary Pickett, #57591
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070

/s/ Caitie Collins
An employee of the
Office of the Attorney General